

SENATE BILL No. 90

DIGEST OF INTRODUCED BILL

Citations Affected: IC 4-29; IC 4-35.

Synopsis: Land based casinos on tribal lands. Provides that the state may not enter into a tribal-state compact to allow gaming on Indian lands in Indiana without the authorization of the general assembly. Prohibits land based casinos in Indiana except for land based casinos located on Indian lands under a tribal-state compact authorized by the general assembly. Provides that a tribal-state compact entered into without the authorization of the general assembly is void. Requires the department of commerce to assess the economic development needs of the Indian tribe and the communities surrounding Indian lands located in Indiana. Requires the department of commerce to do the following to promote economic development on Indian lands: (1) develop a list
(Continued next page)

Effective: January 1, 1999 (retroactive).

Riegsecker

January 6, 1999, read first time and referred to Committee on Public Policy.



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of potential economic development projects that meet the needs of the tribe and the surrounding communities; (2) host and moderate meetings between the tribe, local governments, and individuals from the surrounding communities invited by the department to identify the economic development projects preferred by the tribe and the surrounding communities; and (3) assist the tribe in developing a plan to fund and implement the preferred projects. Requires the executive director of the department to appoint an individual to serve as a liaison to the tribe. Requires the liaison to coordinate the department's efforts to assist the tribe's implementation of the economic development plan and to assist the tribe or an entity locating on Indian lands in obtaining any economic development assistance provided by the state that the tribe or the entity is eligible to receive.

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Introduced

First Regular Session 111th General Assembly (1999)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 1998 General Assembly.

SENATE BILL No. 90

A BILL FOR AN ACT to amend the Indiana Code concerning state offices and administration.

Be it enacted by the General Assembly of the State of Indiana:

1 SECTION 1. IC 4-29 IS ADDED TO THE INDIANA CODE AS A
2 **NEW ARTICLE TO READ AS FOLLOWS [EFFECTIVE JANUARY**
3 **1, 1999 (RETROACTIVE)]:**

4 **ARTICLE 29. PROHIBITION AGAINST LAND BASED**
5 **CASINO GAMBLING**

6 **Chapter 1. Applicability**

7 **Sec. 1. This article does not apply to a riverboat licensed under**
8 **IC 4-33.**

9 **Sec. 2. This article does not apply to a charity game night as**
10 **defined in IC 4-32-6-11.**

11 **Chapter 2. Definitions**

12 **Sec. 1. The definitions in this chapter apply throughout this**
13 **article.**

14 **Sec. 2. "Indian lands" has the meaning set forth in 25 U.S.C.**
15 **2703(4).**

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IN 90—LS 6381/DI 92+



1 Sec. 3. "Land based casino" means a location in which a
2 gambling game (as defined in IC 4-33-2-9) is conducted.

3 Sec. 4. "Tribal-state compact" means a compact under 25
4 U.S.C. 2701 et seq. between an Indian tribe and the state to allow
5 gaming on Indian lands located in Indiana.

6 **Chapter 3. Land Based Casino Ban**

7 Sec. 1. This chapter does not apply to a land based casino
8 located on Indian lands under a tribal-state compact authorized by
9 the general assembly.

10 Sec. 2. Land based casinos are prohibited in Indiana as against
11 public policy.

12 Sec. 3. The state may not enter into a tribal-state compact to
13 allow gaming on Indian lands in Indiana without the authorization
14 of the general assembly.

15 Sec. 4. After negotiations for a tribal-state compact are
16 completed, the compact shall be submitted to the general assembly
17 for approval.

18 Sec. 5. A tribal-state compact is effective only after it has been
19 enacted into law by the general assembly and signed by the
20 governor.

21 SECTION 2. IC 4-35 IS ADDED TO THE INDIANA CODE AS A
22 NEW ARTICLE TO READ AS FOLLOWS [EFFECTIVE JANUARY
23 1, 1999 (RETROACTIVE)]:

24 **ARTICLE 35. ECONOMIC DEVELOPMENT ON INDIAN**
25 **LAND**

26 **Chapter 1. Applicability**

27 Sec. 1. This article applies if the Secretary of the Interior
28 acquires in trust for the benefit of an Indian tribe land located in
29 Indiana.

30 **Chapter 2. Definitions**

31 Sec. 1. The definitions in this chapter apply throughout this
32 article.

33 Sec. 2. "Department" refers to the Indiana department of
34 commerce.

35 Sec. 3. "Indian lands" has the meaning set forth in 25 U.S.C.
36 2703(4).

37 Sec. 4. "Land based casino" means a location in which a
38 gambling game (as defined in IC 4-33-2-9) is conducted.

39 Sec. 5. "Tribal-state compact" means a compact under 25
40 U.S.C. 2701 et seq. between an Indian tribe and the state to allow
41 gaming on Indian lands located in Indiana.

42 **Chapter 3. Economic Development Assessments**



1 **Sec. 1.** The department shall assess the economic development
2 needs of the Indian tribe and the communities surrounding Indian
3 lands located in Indiana.

4 **Sec. 2.** The department may contract with any individual or
5 entity to perform the assessment required under section 1 of this
6 chapter.

7 **Sec. 3.** The assessment must include a list of potential economic
8 development projects that meet the needs of the tribe and the
9 surrounding communities. The list must identify potential funding
10 sources for the proposed projects.

11 **Sec. 4. (a)** The department shall host and moderate meetings
12 between the tribe, local governments, and individuals from the
13 surrounding communities invited by the department.

14 **(b)** The purpose of the meeting described in subsection (a) is to
15 identify the economic development projects preferred by the tribe
16 and the surrounding communities.

17 **Sec. 5.** The department shall assist the tribe in developing a plan
18 to fund and implement the projects identified in section 4 of this
19 chapter.

20 **Sec. 6. (a)** The executive director of the department shall
21 appoint an individual to serve as a liaison to the tribe. The liaison
22 shall coordinate the department's efforts to assist the tribe's
23 implementation of the economic development plan described in
24 section 5 of this chapter.

25 **(b)** The liaison shall assist the tribe or an entity locating on
26 Indian lands in obtaining any economic development assistance
27 provided by the state that the tribe or the entity is eligible to
28 receive.

29 **SECTION 3.** An emergency is declared for this act.

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